

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANTHONY DAVIS,

Petitioner,

-against-

**ORDER**

03 CV 6334

MICHAEL J. ALLARD, Superintendent  
Franklin Correctional Facility,

Respondent.

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DEARIE, District Judge.

In a Report and Recommendation, dated August 12, 2005, Magistrate Judge Lois Bloom recommends that this Court deny pro se petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Neither party filed objections. The Court has considered the petition de novo and adopts the Report and Recommendation without qualification.

Accordingly, petitioner's application for a writ of habeas corpus is denied, and the petition is dismissed. Because petitioner has not "made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), a certificate of appealability shall not issue. In addition, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith. Coppedge v. United States, 369 U.S. 438 (1962). The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
October 27, 2005

s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge